

HOUSE BILL 2074

By Sexton J

AN ACT to amend Tennessee Code Annotated, Title 43;
Title 44 and Title 70, relative to wild-appearing
swine.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Agricultural Producers
Restitution Act".

SECTION 2. Tennessee Code Annotated, Title 43, is amended by adding the following
as a new chapter:

43-41-101. As used in this chapter, "wild-appearing swine" means swine that
are, at maturity, two feet to three feet (2' – 3') tall and three and one half feet to five feet
(3 ½' – 5') long and, at maturity, have the following physical features in comparison to
domestic swine:

- (1) Massive heads with smaller, pointed, and heavily-furred ears;
- (2) Heavier shoulders that slope down to small hips, giving the animal an
outline similar to an American bison;
- (3) Long and thin snouts;
- (4) Upper tusks or whitters that curl up and out and rub against the lower
tusks, making a knifelike edge against the lower tusks; and
- (5) Straight tails that are tufted at the tip.

43-41-102.

(a) Upon request by any person who is eighteen (18) or more years of
age, the department of agriculture shall issue a wild-appearing swine transport
permit authorizing the requestor to transport live wild-appearing swine; provided,

that the permit shall only authorize the transportation of live wild-appearing swine directly to slaughter, to a slaughtering facility, or to any other type of facility approved and licensed by the department, unless otherwise directed pursuant to an order issued by the state veterinarian.

(b) A wild-appearing swine transport permit shall be valid for a period of five (5) years. The department may impose a fee for the processing and cost of issuance of a wild-appearing swine transport permit, and for renewal of a permit. This fee, which shall not exceed fifteen dollars (\$15.00), shall be set by the department.

43-41-103.

(a) It is an offense for any person to knowingly:

(1) Transport, or cause to be transported into or within this state, live wild-appearing swine without a wild-appearing swine transport permit issued by the department of agriculture;

(2) Release transported wild-appearing swine that do not have documentation from the department of agriculture into any area that is not fenced to prevent the escape of the wild-appearing swine; or

(3) Release into the wild live wild-appearing swine that do not have documentation approved by the department of agriculture.

(b) A violation of subsection (a) is a Class A misdemeanor. Each wild-appearing swine illegally transported without a permit, or released into an unfenced area, in violation of subsection (a) is a separate offense.

SECTION 3. Tennessee Code Annotated, Section 43-1-701(b), is amended by inserting the following as a new, appropriately designated subdivision:

() Chapter 41 of this title, relative to wild-appearing swine;

SECTION 4. Tennessee Code Annotated, Section 70-4-133, is amended by deleting subsections (d), (e), and (f) and substituting the following:

(d) Landowners and their designees shall be authorized to use the following methods for the capture and dispatch of wild-appearing swine:

(1) Any weapon and ammunition that is permitted for taking big game and small game under the agency's proclamations and rules during daylight hours only;

(2) Live traps with bait. Bait shall not be used during big game hunting seasons without an exemption from the agency; and

(3) Any additional methods authorized by the agency.

(e) Notwithstanding any law or rule to the contrary, a landowner in this state may advertise, possess, sell, offer for sale, or give away live wild-appearing swine; provided, that the live wild-appearing swine was captured on the landowner's property. Any person who transports a live-appearing wild swine in this state shall first obtain a wild-appearing swine transport permit pursuant to § 43-41-102.

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.